

11-15-02

3763

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael S.H. Chu et al.

Serial No.: 09/430,050

Examiner: A. Lam

Filed: October 29, 1999

Group Art Unit: 3763

For: SPLIT VALVE FOR PEEL-AWAY SHEATH

Docket No.: 1001.1258101

**TRANSMITTAL SHEET**

Box Non-Fee Response  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

Sir:

**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EL811913685US, in an envelope addressed to: Box Non-Fee Response, Assistant Commissioner for Patents, Washington, D.C., 20231 on this 14th day of November, 2002.

By



Kathleen L. Boekley

We are transmitting herewith the attached:

☒ [ XX ] Response☒ [ XX ] No additional fee required☐ [ ] The fee has been calculated as shown:

CLAIMS AS AMENDED							
	(3)	(4)	(5)	SMALL ENTITY		OTHER	
	REMAINING CLAIMS	HIGHEST PAID	EXTRA	RATE	ADD'L FEE	RATE	ADD'L FEE
TOTAL CLAIMS	-	=		X9=	\$	X18=	\$
INDEPENDENT CLAIMS	-	=		X40=	\$	X80=	\$
( ) FIRST MULTIPLE DEPENDENT CLAIM				+135=	\$	+270=	\$
TOTAL				\$		\$	

[ ] A check in the amount of \$ \_\_\_\_\_ is enclosed. Itemization:

Fee Code \_\_\_\_\_ \$

Fee Code \_\_\_\_\_ \$

[ ] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by verified statement previously submitted.

[ ] Other: \_\_\_\_\_.

[XXXX] Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413.

By: \_\_\_\_\_

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Michael S.H. Chu et al.

Serial No.: 09/430,050

Examiner: Amy Y. Lam

Filed: October 29, 1999

Group Art Unit: 3763

For: SPLIT VALVE FOR PEEL-AWAY SHEATH

Docket No.: 1001.1258101

Box Non-Fee Response  
Assistant Commissioner for Patents  
Washington, D.C. 20231

*T.H.*  
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**RESPONSE**

**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EL811913685US, in an envelope addressed to: Box Non-Fee Response, Assistant Commissioner for Patents, Washington, D.C., 20231 on this 14th day of November, 2002.

By *Kathleen L. Boekley*  
Kathleen L. Boekley

Dear Sir:

The following comments are presented in response to the Office Action mailed August 14, 2002. Favorable reconsideration is respectfully requested.

**REMARKS**

Applicants respectfully traverse the Examiner's rejection of claims 1-9, 11-15 and 21 under 35 U.S.C. § 102(e) as anticipated by Heck, U.S. Patent No. 6,083,207. In order to anticipate, the cited reference must disclose each and every element of the claimed invention. Heck fails to do so and thus cannot be considered as anticipating the claimed invention.

Claim 1 was previously amended to require the presence of a compressible valve sleeve that has a proximal end, a distal end and a lumen that is adapted to receive the distal end of a medical device such as a catheter. The proximal end of the compressible valve sleeve extends